

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY)
THE DEPARTMENT OF ECOLOGY REQUESTING A)
CHANGE IN THE PURPOSE OF USE AND PLACE OF USE) Emergency Drought
OF WATER USE UNDER COURT CLAIM NO. 02148,) Change Authorization
CAUSE NO. 77-2-01484-5)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

Governor Locke authorized the Director of the Department of Ecology to declare a statewide Drought Emergency on March 14, 2001. The Yakima Valley is experiencing severe drought impacts in this 2001 water year. The US Bureau of Reclamation's (Reclamation) May 1 forecast of Total Water Supply Available (TWSA) predicts that the Yakima Project's pro-ratable water right holders are likely to receive only 29% of their full water supply amount this irrigation season.

On June 14, 2001, Roza Irrigation District (RID) filed a Motion before the Yakima County Superior Court requiring water right holders listed in Exhibit 1 of the Motion, to appear in Court on June 28, 2001 and Show Cause why they should not be regulated in favor of RID's senior water right. The Motion was amended to exempt indoor domestic use for human health and sanitation.

The City of Roslyn has a water right junior in priority to the RID. The proposal under this application will offset a portion of the City of Roslyn's impact on the Yakima River and TWSA.

Court Claim 02148, Cernick

On July 25th, 2001, the Department of Ecology filed an application to transfer water from the Teanaway River to the Yakima River Trust Water Right Program for the 2001 irrigation season. The Department of Ecology has recently leased a water right on the Teanaway River. This right, through Court Claim No.02148, has been confirmed a right from the Teanaway River of up to 0.32 cfs, 86.4 acre-feet for the irrigation of 16 acres and stockwater. This right was confirmed with a priority date of 1891.

The determination of the amount of water allowed for change is based on an adjustment to the Washington Irrigation Guide (WIG) Crop Irrigation Requirement (CIR) to account for the crop type and an agreed-upon adjustment (based upon an estimate of the climate this summer) of "WIG + 5" (the CIR for a particular crop, plus five inches of water). A shortened season of August 1 through September 15 is also included in the calculations. The adjusted 2001-year CIR quantity is 9.08 inches per acre. With 16 acres being left fallow this year, 12.1 acre-feet are available to offset the City of Roslyn's consumptive water use and for transfer to the trust water program.

Placement of water into trust in accordance with Ecology's Trust Water Guidelines requires, among other parameters of the trust water right, determinations of the total and consumptive water use and the "primary" and "secondary" reaches affected. An emergency decision does not provide the time necessary to evaluate all aspects of the guidelines. Therefore, the analysis leading to the trust water recommendations in this report is simplified and conservative and there will be no primary reach defined.

The secondary reach is defined as the original point of diversion of the Seaton Ditch on the Teanaway River to the confluence of the Teanaway River and the Yakima River.

The instantaneous flow rate that would deliver 12.1 acre-feet of water, calculated on a continuous flow basis, over the course of 46 days from August 1st through September 15th, is 0.14 cfs. This amount can be applied to continuous instream flow enhancement use in the Teanaway River from August 1st through September 15th, 2001, and will offset a portion of the City of Roslyn's impact on TWSA.

The Bureau of Reclamation has reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the proposed transfer. This proposal has also been reviewed and approved by the Conservation Advisory Group.

Conclusions and Decision

The proposed change of purpose of use and place of use will not impair existing water rights and is not contrary to the public interest.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes 12.1 acre-feet, 0.14 cfs for instream flow in the Teanaway River from the original point of diversion of the Seaton Ditch to the confluence of the Teanaway River and the Yakima River. The annual quantity shall also be used for mitigation of impacts of the consumptive outdoor water use by the City of Roslyn.

This drought emergency authorization expires on September 15, 2001.

APPROVED BY: _____

Robert F. Barwin, Section Manager

DATE: _____

8/02/2001

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